

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

CHRISTOPHER LEE HUTCHESON

PLAINTIFF

v.

No. 4:09CV56-M-S

LT. RONALD BINION, ET AL., ET AL.

DEFENDANTS

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated November 5, 2009, was on that date duly served by mail upon the *pro se* plaintiff at his last known address; that more than fourteen days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated November 5, 2009, is hereby **APPROVED AND ADOPTED** as the opinion of the court.

2. That the plaintiff's claims against defendants Rogers, Kelly, and Epps are **DISMISSED** with prejudice as frivolous under 28 U.S.C. § 1915(d) – and these defendants are **DISMISSED** from this case.

3. That the plaintiff's claim of excessive force against defendant Binion will **PROCEED**.

THIS, the 7th day of December, 2009.

/s/ MICHAEL P. MILLS
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI